

Ref

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 11. Part 2. Pp. 25—46, 1 pl.

OPINION 352

Designation, under the Plenary Powers, of a type species consistent with the intention of the original author for the genus *Cummingella* Reed, 1942 (Class Trilobita), a genus based upon a misidentified type species



LONDON :

Printed by Order of the International Trust for
Zoological Nomenclature
and

Sold on behalf of the International Commission on Zoological
Nomenclature by the International Trust at its Publications Office
41, Queen's Gate, London, S.W.7
1955

Price Twelve Shillings and Sixpence

(All rights reserved)

INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 352

A. The Officers of the Commission

Honorary Life President : Dr. Karl Jordan (*British Museum (Natural History),
Zoological Museum, Tring, Herts., England*)

President : Professor James Chester Bradley (*Cornell University, Ithaca, N.Y.,
U.S.A.*) (12th August 1953)

Vice-President : Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*) (12th
August 1953)

Secretary : Mr. Francis Hemming (*London, England*) (27th July 1948)

B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent
re-election, as prescribed by the International Congress of Zoology*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The
Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*Eva Peron, F.C.N.G.R., Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th
July 1948)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*)
(27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th
June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences,
Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg,
Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität
zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-
President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August
1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th
August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland,
U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum Budapest, Hungary*) (12th
August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York,
N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th
August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Nether-
lands*) (12th August 1953)

OPINION 352

DESIGNATION, UNDER THE PLENARY POWERS, OF A TYPE SPECIES CONSISTENT WITH THE INTENTION OF THE ORIGINAL AUTHOR FOR THE GENUS "CUMMINGELLA" REED, 1942 (CLASS TRILOBITA), A GENUS BASED UPON A MISIDENTIFIED TYPE SPECIES

RULING :—(1) Under the Plenary Powers, (a) all designations or selections of type species for the genus *Cummingella* Reed, 1942 (Class Trilobita) made prior to the present Ruling are hereby set aside, and (b) the nominal species *Phillipsia jonesii* Portlock, 1843, as defined by the lectotype selected by Stubblefield (1952), is hereby designated to be the type species of the foregoing genus.

(2) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Nos. 873 to 875 respectively :—

- (a) *Cummingella* Reed, 1942 (gender : feminine) (type species, by designation under the Plenary Powers under (1)(b) above : *Phillipsia jonesii* Portlock, 1843, as defined by the lectotype there specified) ;
- (b) *Phillipsia* Portlock, 1843 (gender : feminine) (type species, by selection by Vogdes (1890) : *Phillipsia kellyi* (correction of *kellii*) Portlock, 1843, as defined by the lectotype selected by Stubblefield (1952)) ;
- (c) *Weberides* Reed, 1942 (gender : masculine) (type species, by original designation : *Phillipsia mucronata* M^cCoy, 1844).

(3) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Nos. 485 to 488 respectively :—

- (a) *derbyensis* (emend. of *derbiensis*) Phillips, 1836, as published in the combination *Entomolithus derbiensis* ;

- (b) *jonesii* Portlock, 1843, as published in the combination *Phillipsia jonesii*, as interpreted by the lectotype specified in (1)(b) above (specific name of type species of *Cummingella* Reed, 1942, by designation under the Plenary Powers under (1)(b) above) ;
- (c) *kellyi* (correction of *kellii*) Portlock, 1843, as published in the combination *Phillipsia kellii*, as interpreted by the lectotype specified in (2)(b) above (specific name of type species of *Phillipsia* Portlock, 1843) ;
- (d) *mucronata* M^cCoy, 1844, as published in the combination *Phillipsia mucronata* (specific name of type species of *Weberides* Reed, 1942).

(4) The under-mentioned specific names are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Nos. 125 and 126 respectively :—

- (a) *derbyensis* Martin, 1809, as published in the combination *Entomolithus Onicites derbyensis* (a name published in a work rejected for nomenclatorial purposes (*Opinion 231*¹)) ;
- (b) *kellii* Portlock, 1843, as published in the combination *Phillipsia kellii* (an Invalid Original Spelling for *kellyi* Portlock, 1843, as published in the same combination).

I.—THE STATEMENT OF THE CASE

On 2nd March 1949, Dr. C. J. Stubblefield (*Geological Survey and Museum, London*) submitted a preliminary application for the use of Plenary Powers for the purpose of designating a type species in harmony with the original author's intentions for the genus *Cummingella* Reed, 1942 (Class Trilobita), a genus based

¹ *Opinion 231* (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 4 : 239—248).

upon a misidentified type species. Later (paragraph 3 below) this application was revised in certain respects. As finally submitted, it was as follows :—

Proposed use of the Plenary Powers to vary the type species of the Genus “*Cummingella*” Reed, 1942 (Class Trilobita) (Carboniferous)

By C. J. STUBBLEFIELD, D.Sc., F.R.S.
(*Geological Survey and Museum, London*)

The present application for the use by the International Commission on Zoological Nomenclature of its Plenary Powers to designate, as the type species of the genus *Cummingella* Reed, 1942 (*Ann. Mag. nat. Hist.* (11) 9 : 653) (Class Trilobita), a species, other than that which would be the type species under the *Règles*, is submitted under the procedure prescribed by the Thirteenth International Congress of Zoology, Paris, July 1948 (*see* 1950, *Bull. zool. Nomencl.* 4 : 158—159) as that to be followed in the case of genera based upon misidentified type species.

2. The facts of this case are simple. Reed, when first publishing the generic name *Cummingella*, designated, as the type species of the genus so named, the nominal species *Entomolithus (Oniscites) derbiensis* Martin. This name in the form *Entomolithus Onicites (Derbyensis)*, was published by Martin in 1809 (*Petrific. derbiensia* : Signature Sheets X and Y pl. 45, figs, 1, 2 ; pl. 45*, fig. 1).

3. The specimens on which Martin's figures were based have not been traced and it is necessary therefore to rely exclusively upon his figures for the purpose of determining the species to which the names which he published are applicable. In a paper entitled “The genotype of *Cummingella* Reed” published in 1946 (*Geol. Mag.* 83 : 186—191), I discussed at length the figures given by Martin for his *Entomolithus Onicites (derbyensis)* and for the reasons there given came to the conclusion that all except one of Martin's illustrations were unrecognisable at the species level without additional evidence obtainable only from an examination of the missing original specimens. The one exception is figure 1 on Martin's plate 45*. The specimen so figured was used by Martin himself as a standard for comparing his species *derbyensis* with a “very perfect specimen of the *Entomolithus paradoxus* from Dudley”. Moreover, this is the only one of the four figures given by Martin which show the following features noted in his description of his *derbyensis* : (1) the “striated margin” of the head ; (2) the “single minute point or tubercle” on the occipital ring ; (3) the post-cephalic segments “each marked with a line of minute tubercles”. Workers closely succeeding Martin, such as Phillips (1836, *Ill. Geol. Yorks.* 2 : 240) and Portlock (1843, *Rep. Geol. Londonderry* : 312), interpreted Martin's species on the basis of this figure. Martin, as

EXPLANATION TO PLATE 1

**Illustrations of the type species of "Cummingella" Reed, 1942
(species designated by the International Commission on Zoological
Nomenclature under its Plenary Powers)**

(Note : All the illustrations are three times natural size)

Fig. 1a, 1b, 1c. *Phillipsia jonesii* Portlock, 1843 : specimen selected as the lectotype by Stubblefield (C.J.) in the application dealt with in the present *Opinion*. This is the specimen illustrated by Portlock as figure 3a on plate xi in his *Report on the Geology of Londonderry*. The locality of this specimen is "Clonfeacle, Co. Tyrone" and the horizon Carboniferous Limestone. This specimen is preserved in the Geological Survey Museum as Specimen No. 63031.

Fig. a. View of pygidium and part of thorax.

Fig. b. View of cephalon.

Fig. c. Side view of entire fossil.

Fig. 2a, 2b, 2c. *Phillipsia jonesi* Portlock. Original of specimen illustrated by Portlock as *Phillipsia jonesii* var. *seminifera*? Phillips. In addition to being illustrated by Portlock as figs. 5a and 5b on pl. xi (*op. cit.*) in 1843, this specimen was illustrated by Woodward (1883 : pl. i, figs. 2a, 2b, 6) under the name *Phillipsia derbiensis* Martin, 1809 from "Longnor, Staffordshire." The horizon and locality of this specimen, however, are the same as that for the specimen here illustrated as fig. 1. This specimen is preserved in the Geological Survey Museum as Specimen No. 63037.

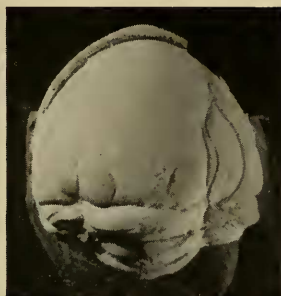
Fig. a. View of thorax and pygidium.

Fig. b. View of cephalon and part of thorax.

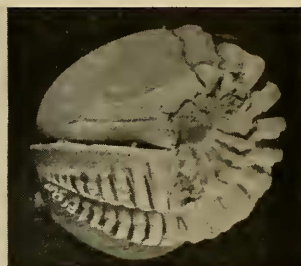
Fig. c. Side view of entire fossil.



1a



1b



1c



2a



2b



2c

For the explanation to this plate see opposite

was inevitable, having regard to the period in which he wrote, did not designate a holotype for his species. Neither has any subsequent writer selected a lectotype from among the specimens figured by Martin, although in my paper of 1946 I made it clear that the specimen shown as figure 1 on Martin's plate 45* was the only one, for which it was possible definitely to identify the species figured and suggested that this might appropriately serve as lectotype. Since the publication of that paper, the International Congress of Zoology has provided precise means (through its revision of Article 31) for selecting a lectotype from a series of syntypes (*see* 1950, *Bull. zool. Nomencl.* 4 : 73—77) and has defined, and incorporated in the *Règles*, the term "lectotype" (1950, *ibid.* 4 : 184—188). In these circumstances it is essential that a lectotype should be selected for the nominal species *Entomolithus Onicites derbyensis* Martin, 1809, this being the only means by which to determine with precision the identity of the species which, under a strict application of the *Règles*, is the type species of the genus *Cummingella* Reed. In order to put this matter beyond reach of further argument, I accordingly hereby select the specimen shown as figure 1 on plate 45* of Martin's *Petrificata derbiensia* to be the lectotype of the foregoing species. The species *Entomolithus Onicites (derbyensis)* Martin, 1809, as defined by the foregoing lectotype selection is congeneric with *Phillipsia mucronata* McCoy, 1844 (*Syn. Char. Carb. Limest. Foss. Ireland* : 162, pl. iv, fig. 8), the type species by original designation of the genus *Weberides* Reed, 1942 (*Ann. Mag. nat. Hist.* (11) 9 : 653.)

4. The generic diagnosis given by Reed for his genus *Cummingella* was founded upon the descriptions and illustrations of *Phillipsia derbyensis* (Martin) published by various authors from the time of H. Woodward's account of that species published in 1883 (*Monogr. Brit. Carbonif. Trilobites* (1) : 14—15) and not upon the original material described and illustrated by Martin (1809). As I have explained in some detail in my paper (1946) to which reference has already been made, de Koninck in 1844 (*Descr. Anim. foss. Terr. carbonif. Belg.* : 601) and Woodward in 1883 (*op. cit.* : 14) both misinterpreted Martin's species *Entomolithus Onicites (derbyensis)*. Woodward's account of that species was particularly misleading since the fossil on which he principally relied as the basis of his restoration of its structure was stated by him to have come from the Carboniferous Limestone of Longnor in Staffordshire, whereas it really came from Clonfeacle, Co. Tyrone. That specimen, which is still extant in the Geological Survey Museum (No. 63037) had moreover previously been figured by Portlock as one of the syntypes of *Phillipsia jonesii* (recte *jonesi*)² Portlock, 1843 (*Rep. Geol. Londonderry* : 308, pl. xi, fig. 5).

5. Under the *Règles*, as clarified by the last International Congress of Zoology (*see* 1950, *Bull. zool. Nomencl.* 4 : 158—159) the author

² As explained in paragraph 7 of the present *Opinion*, the form "*jonesii*" has been a permissible variant for this name since 1953 (*Copenhagen Decisions zool. Nomencl.* : 54, Decision 91).

of a generic name is to be deemed correctly to have identified the species placed by him in the genus so named. It follows therefore that it is the true *Entomolithus Onicites (derbyensis)* Martin, 1809, and not the species misidentified therewith by Reed (following Woodward, 1883) which, in the absence of special action taken by the International Commission, is the type species of *Cummingella* Reed, 1942. That species, as has already been noted, is referable to the genus *Weberides* Reed, 1942. The latter name was published on the same page as the name *Cummingella* Reed, and, under the page and line precedence rule introduced by the International Congress of Zoology in 1948 (see 1950, *Bull. zool. Nomencl.* 4 : 328—331), has priority over the name *Cummingella*.³ Accordingly, under the normal application of the *Règles*, the name *Cummingella* Reed sinks as a subjective synonym of the name *Weberides* Reed. On the other hand, the species which Reed intended to designate as the type species of his genus *Cummingella* and which he referred to under the erroneous name "*Entomolithus (Oniscites) derbiensis*" Martin, *i.e.*, the species the oldest available name for which is *Phillipsia jonesi* Portlock 1843, is left without an available generic name.

6. In view of the confusion which in this case would result from the maintenance of the assumption that the species designated by Reed as the type species of his genus *Cummingella* had been correctly identified by that author, the present is a case to which the procedure laid down for varying the type species of genera based upon misidentified type species (see paragraph 1 above) is particularly applicable. I accordingly ask the International Commission under that procedure to use its Plenary Powers to designate *Phillipsia jonesi* Portlock, 1843, to be the type species of *Cummingella* Reed, 1942. As that nominal species was based upon several syntypes, none of which has ever been selected as the lectotype, it is important, as part of the proposed settlement of the present case, that such a selection should now be made. The syntype which might have been the most suitable to be so selected is that figured by Portlock as figs. 5a, and 5b on pl. xi of his *Report on the Geology of Londonderry* 1843, which, (as explained in paragraph 4 above) is the specimen which later was erroneously figured by Woodward (1883) as *Entomolithus Onicites (derbiensis)* Martin, 1809. Since, however, Portlock expressed the view that that specimen showed varietal differences from the remainder of his syntype material and since he did in fact apply to it, though with doubt, the name *Phillipsia jonesi* var. *seminiferus* (Phillips, 1836), it is undesirable to select that specimen as the lectotype of *Phillipsia jonesi*, though it was undoubtedly used by Portlock in his original description of that species. Accordingly, I select the original of figure 3a on plate xi,

³ By a decision by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the "First Reviser" rule was reinstated as the basis for determining the relative priority to be assigned to names of identical date published in the same work (1953, *Copenhagen Decisions zool. Nomencl.* : 66—67, Decision 123).

illustrated by Portlock in 1843 (*op. cit.*), which is extant in the Geological Survey Museum (No. 63031) to be the lectotype of *Phillipsia jonesi* Portlock, 1843, and I recommend that this lectotype selection be expressly noted by the International Commission, when designating *Phillipsia jonesi* Portlock as the type species of *Cummingella* Reed.

7. I recommend that, once the type species of the genus *Cummingella* Reed has been settled in the manner proposed in the preceding paragraph, that name should be placed on the *Official List of Generic Names in Zoology*. I recommend also that there should at the same time be added to that List (1) the name *Weberides* Reed, 1942, and (2) the name *Phillipsia* Portlock, 1843. The type species of the first of these genera is (as already explained in paragraph 3 above) *Phillipsia mucronata* M^cCoy, 1844. The type species of *Phillipsia* Portlock is *Phillipsia kellyi* Portlock, 1843 (*Rep. Geol. Londonderry* : 307, pl. xi, fig. 1). The trivial name cited above is an emendation of the defective form "kellii", made under the decision taken by the Thirteenth International Congress of Zoology (see 1950, *Bull. zool. Nomencl.* 4 : 67—68),⁴ that species having been so selected by Vogdes in 1890 (*Bull. U.S. geol. Surv.* 63 : 83); the earlier selection by Miller (S.A.) in 1889 (*N. Amer. Geol. Paleont.* : 560) of *Asaphus gemmuliferus* 1836 (Phillips, *Ill. Geol. Yorks.* 2 : 240, pl. xxii, fig. 11) is invalid, since that species was not one of those cited by Portlock, when he first published the generic name *Phillipsia*; it was, in fact, a *species inquirenda* from the standpoint of Portlock at the time when he first published the name *Phillipsia*.

8. Turning to the trivial names involved in the present case, I recommend that there should be added to the *Official List of Specific Trivial Names in Zoology* the trivial names of the type species both of *Cummingella* Reed and of *Weberides* Reed, each of these names being an available name and the oldest such name for the species concerned. In the case of the first of these names (*jonesi* Portlock), it is (as already noted) desirable that a note should be inserted in the *Official List*, directing that the species so named is to be interpreted in accordance with the lectotype selection made in paragraph 6 above. The trivial name (*kellyi* Portlock) of the type species of *Phillipsia* Portlock is an available name, but the nominal species so named has been subjectively identified by Woodward in 1883 (*Monogr. Brit. Carbonif. Trilobites* (1) : 17) with the older nominal species *Asaphus gemmuliferus* Phillips, 1836 (for the bibliographical reference to which see paragraph 7 above). I have examined the type material of both these nominal species and in the light of this examination, I do not agree with Woodward's opinion and consider that two distinct species are involved. Accordingly, I am of the opinion that the trivial name *kellyi* Portlock, 1843, is not only an available name but is also the

⁴ This decision by the Paris (1948) Congress was confirmed by the Copenhagen (1953) Congress. See note in paragraph 7 of the present *Opinion*.

oldest such name for the species so named by Portlock, and I ask that the International Commission should now place this trivial name on the *Official List of Specific Trivial Names in Zoology*. The original specimen figured by Portlock as figure 1 on his plate xi is extant in the Geological Survey Museum (No. 63045) and I hereby select it to be the lectotype of the nominal species *Phillipsia kellyi* Portlock, 1843.

9. In order completely to dispose of the names dealt with in the present application, it is necessary to consider the question of the name which in future should be applied to the species named *Entomolithus Onicites (derbyensis)* by Martin in 1809, for it is necessary at this stage to recall that at its meeting held in Paris in 1948 the International Commission gave a ruling that no names published in Martin's *Petrificata derbiensia* of 1809 acquired any standing in virtue of having been so published.⁵ The next author to use Martin's trivial name *derbyensis* was Phillips who in 1836 (2 : 240) adopted this name (in the combination *Entomolithus derbiensis* [recte *derbyensis*]) and applied it in the same sense as Martin (i.e., for the species, a specimen of which Martin had illustrated as figure 1 on his plate 45*). Fortunately, therefore, it is still possible to use the trivial name *derbyensis* for the species so named by Martin, the only change necessary being that in future that name will need to be attributed not to Martin, 1809, but to Phillips, 1836. It is desirable that, in order to close this matter, the trivial name *derbyensis* Phillips, 1836, should now be placed on the *Official List of Specific Trivial Names in Zoology*.

10. Having now completed our survey of the nomenclatorial issues involved in the present case, it is possible to summarise the action which it is desired that the International Commission on Zoological Nomenclature should take, namely that it should :—

- (1) use its Plenary Powers under the procedure prescribed by the International Congress of Zoology for the determination of the type species of genera based upon misidentified type species, to set aside all designations or selections of type species for the genus *Cummingella* Reed, 1942, made prior to the decision now proposed to be taken and to designate *Phillipsia jonesi* Portlock, 1843, as defined by the lectotype selection made in the present application, to be the type species of the foregoing genus ;
- (2) place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—
 - (a) *Cummingella* Reed, 1942 (gender of generic name : feminine) (type species, by designation, as proposed in (1) above, under the Plenary Powers : *Phillipsia jonesi*⁶ Portlock, 1843, as defined in the manner specified in (1) above) ;
 - (b) *Phillipsia* Portlock, 1843 (gender of generic name : feminine) (type species, by selection by Vogdes (1890) : *Phillipsia*

⁵ See footnote 1.

⁶ See footnote 2.

kellyi (emend. of *kellii*) Portlock, 1843, as defined by the lectotype selection made in the present application) ;

(c) *Weberides* Reed, 1942 (gender of generic name : masculine) (type species, by original designation : *Phillipsia mucronata* McCoy, 1844) ;

(3) place the under-mentioned trivial names on the *Official List of Specific Trivial Names in Zoology* :—

(a) *jonesi* Portlock, 1843, as published in the binominal combination *Phillipsia jonesii*, since emended to *jonesi*,⁷ the species so named to be interpreted in the manner specified in (1) above (trivial name of type species *Cunninggella* Reed, 1942) ;

(b) *mucronata* McCoy, 1844, as published in the binominal combination *Phillipsia mucronata* (trivial name of type species of *Weberides* Reed, 1942) ;

(c) *kellyi* Portlock, 1843, as published in the binominal combination *Phillipsia kellii*, since emended to *kellyi*,⁸ the species so named to be interpreted in the manner specified in (2)(b) above (trivial name of type species of *Phillipsia* Portlock, 1843) ;

(d) *derbyensis* Phillips, 1836, as published in the binominal combination *Entomolithus derbiensis* ;

(4) place the trivial name *derbyensis* Martin, 1809, as published in the combination *Entomolithus Onicites (derbyensis)* (a name published in a work ruled by the International Commission on Zoological Nomenclature to possess no status in zoological nomenclature) on the *Official Index of Rejected Specific Trivial Names in Zoology*.

11. A plate⁹ is annexed to the present application illustrating the specimen here selected as the lectotype of *Phillipsia jonesi* Portlock, 1843, and the trilobite illustrated by Portlock as *Phillipsia jonesii* var. *seminiferus*? Phillips and subsequently by Woodward as *Phillipsia derbiensis*. Both are here considered to be conspecific.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. **Registration of the present application :** On the receipt in 1949 of Dr. Stubblefield's preliminary communication, the question

⁷ See footnote 2.

⁸ See footnote 4.

⁹ See plate 1.

of the use of the Plenary Powers for the purpose of designating a type species for the genus *Cummingella* Reed, 1942, was allotted the Registered Number Z.N.(S.) 409.

3. Consultations in 1950/1951 : At the time of the receipt of Dr. Stubblefield's original communication the entire resources of the Office of the Commission were being directed to the preparation and publication of the Official Records of the Session held by the International Commission in Paris in 1948 and it was not until after the publication of those records in 1950¹⁰ that it was possible to resume work on the preparation for publication in the *Bulletin of Zoological Nomenclature* of applications in regard to individual names submitted to the Commission for decision. The present was one of the first such cases then to be examined. Like all other applications prepared prior to the publication of the decisions taken by the Thirteenth International Congress of Zoology, Paris, 1948, the present application required certain revisions in order to bring the proposals submitted into line with the procedural decisions taken by the Congress in regard to such matters as the placing of names on *Official Lists* and *Official Indexes*. In addition, it was deemed desirable to include in the application the selection of a lectotype for the nominal species *Phillipsia jonesii* Portlock, 1843, the species which it was proposed should be designated under the Plenary Powers to be the type species of the genus *Cummingella* Reed, 1942, and to annexe to the application a plate illustrating the lectotype so selected. These adjustments and additions were completed on 29th April 1951, when the revised application was submitted to the Commission.

4. Publication of the present application : The present application was sent to the printer on 27th May 1951 and was published on 15th April 1952 in Part 5 of volume 6 of the *Bulletin of Zoological Nomenclature* (Stubblefield, 1952, *Bull. zool. Nomencl.* 6 : 150—154, pl. 1, figs. 1a—1c, 2a—2c).

¹⁰ 1950, *Bull. zool. Nomencl.* 3, 4, 5.

5. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 50—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 15th April 1952 (a) in Part 5 of volume 6 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Stubblefield's application was published) and (b) to the other prescribed serial publications. In addition, Public Notice was given to a number of general zoological serial publications and also to certain palaeontological serials in Europe and America.

6. Comment received from Professor Rudolf Richter (Natur-Museum und Forschungs-Institut Senckenberg, Frankfurt a.M., Germany) : On 5th September 1952, Professor Rudolf Richter (*Natur-Museum und Forschungs-Institut Senckenberg, Frankfurt a.M.*) addressed the following letter to the Commission in regard to the present case :—

Die Vorschläge sind gut begründet und zweckmässig. Ihre Annahme wird einen Fortschritt im Sinne der Stabilität der Nomenklatur bedeuten.

Nur die Schreibweise der Art-Namen erfordert eine Bemerkung. Die Art *jonesii* 1843 wird in dem Antrag *jonesi* geschrieben. Das ist im strengen Sinne nicht korrekt, da der Artikel 14 IRZN, der die Endung *-i* statt *-ii* vorschreibt, erst für solche Namen gilt, die nach 1905 aufgestellt werden. Denn auch in der Nomenklatur sind rückwirkende Gesetze immer illegal. Es entstehen jedoch in diesem Falle keine schädlichen Folgen für die Nomenklatur, da nach den Gutachten zu Artikel 14 die Endungen *-i* und *-ii* zu den fakultativen Varianten gehören, die man ohne nomenklatorische Folgen nebeneinander gebrauchen darf.

Dagegen ist die nachträgliche Aenderung des Art-Namens *kellii* Portlock 1843 in *kellyi* abzulehnen, obwohl nach Artikel 34, 35 IRZN auch hierdurch nur fakultative Varianten entstehen. Aber die Duldung einer solchen Aenderung würde schädliche Folgen für die Stabilität der Nomenklatur haben. Denn wenn man Portlock nachträglich das Recht abspricht, den Paten-Namen Kelly in Kellius zu latinisieren und von Kellius den Art-Namen *kellii* (statt *kellyi*) zu bilden, so muss man das logischer Weise auch in vielen anderen Fällen tun. Man

kommt dann ohne Grenze zu immer schwereren Aenderungen : So hat z.B. De Koninck 1841 den Paten-Namen Goldfuss in *Goldius* latinisiert und abgekürzt ; dementsprechend hat er den Gattungsnamen *Goldius* gebildet. Wollte man anfangen, "unerlaubte" Latinisierungen des Paten-Namens zu "berichtigen", so müsste man auch den Gattungsnamen *Goldius* zu *Goldfussius* und einen Art-Namen *goldius* zu *goldfussius* emendieren. Das ist nur ein Probefall für solche unnötigen Aenderungen von Tier-Namen.*

Aber auch Tier-Namen, die nach 1905 aufgestellt worden sind, sollte man nicht nach Artikel 14c nachträglich "berichtigen", wenn der Autor einen Paten-Namen latinisiert oder sonst in freier Weise umgebildet hat. So ist z.B. der Name des Paten Quiring (auf dessen Wunsch) von Dahmer zu Quirinus latinisiert und davon nach 1905 der Name *quirini* abgeleitet worden. Wird ein Revisor wirklich den Mut haben, *quirini* in *quiringi* zu ändern und dadurch vielleicht auch noch einen älteren Namen *quiringi* zu erschüttern ?

Nach dem Geiste der Regeln will die philologische Vorschrift, die Artikel 14 im letzten Absatz über die Ableitung des Art-Namens von einem Paten-Namen nur eine Befreiung von dem Zwang zu einer lateinischen Deklination sein. Artikel 14 will keine Quelle nachträglicher Aenderungen sein.

Wird der Artikel 14 dennoch zu einer Schädigung der Stabilität missbraucht, dann müsste das durch eine eindeutige Fassung verhütet werden, entsprechend der von grossen Gessellschaften geforderten Präambel : "Wenn eine Bestimmung der Regeln mit dem Prinzip der Stabilität in Widerspruch steht, so ist es die Pflicht der Internationalen Kommission die Aenderung der betreffenden Bestimmung herbeizuführen. Denn die Namen sind wichtiger als die Nomenklatur".†

Die Pariser Beschlüsse, die obiger Antrag für gültig hält, haben in Wirklichkeit keine Gültigkeit.

7. Orthography of the specific names of two species dealt with in Dr. Stubblefield's application : The comment on the present application received from Professor Richter (paragraph 6 above) raised an issue of principle regarding the correction or emendation of a specific name based on the modern patronymic of a

* Vgl. Rud. Richter : "Schutz der Tier-Namen vor Emendation". *Senckenbergiana* 32 : 357, 1952.

† "Antrag an die Internationale Kommission für Zoologische Nomenklatur". *Senckenbergiana* 33 : 193, 1952.

man and formed in the genitive singular in cases where such a name was formed with a double terminal "i" (as "-ii") in contravention of the provisions of Article 14 of the *Règles*. In view of the fact that notice had been received in the Office of the Commission of a desire on the part of certain zoologists to raise this question at the then forthcoming Fourteenth International Congress of Zoology at Copenhagen in August 1953, it was decided to defer the submission to the Commission of a Voting Paper in respect of the present case until after the conclusion of the Copenhagen Congress. This aspect of the present case was reviewed in the early part of 1954 by Mr. Hemming, in the light of the decisions taken by the Copenhagen Congress and on 18th February 1954 he executed, as Secretary, the following Minute relating to the foregoing question and matters connected therewith :—

Review of the spelling to be adopted for certain specific names cited in Dr. Stubblefield's application relating to the generic name "Cummingella" Reed, 1942, which, when first published, were formed in contravention of the provisions of Article 14 of the "Règles"

MINUTE by FRANCIS HEMMING, C.M.G., C.B.E.,

Secretary to the International Commission on Zoological Nomenclature

The purpose of the present Minute is to review the position regarding two specific names cited in Dr. Stubblefield's application relating to the generic name *Cummingella* Reed, 1942, which, when first published, were formed in contravention of the provisions of Article 14 of the *Règles*, as clarified by the Thirteenth International Congress of Zoology, Paris, 1948. This review is now necessary in view of the fact that the foregoing provisions were amended in certain respects by the Fourteenth International Congress of Zoology, Copenhagen, 1953.

2. The two names referred to above are :—

- (a) the specific name *jonesii* Portlock, 1843, as published in the combination *Phillipsia jonesii* (the specific name of the nominal

species recommended by Dr. Stubblefield for designation by the Commission under its Plenary Powers to be the type species of the genus *Cummingella* Reed, 1942);

- (b) the specific name *kellii* Portlock, 1843, as published in the combination *Phillipsia kellii* (specific name of type species of the genus *Phillipsia* Portlock, 1843).

3. The two names cited above involve quite different nomenclatorial issues. The position as regards these names is discussed in turn below.

4. Position as regards a specific name based on the modern patronymic of a man and formed in the genitive singular in cases where a termination consisting of a double "i" was used by the original author: The *Règles*, as they existed at the opening of the Paris (1948) Congress provided (Article 14, third paragraph) as follows: "Quant il s'agit de dédier une espèce à une personne portant un nom moderne, le genitif est toujours formé par l'addition au nom exact et complet de la personne, d'un "i", quand celle-ci est un homme". At Paris in 1948 the Congress, on the advice of the International Commission, inserted in the *Règles* a provision that names formed in contravention of certain Articles, including 14, were to be subject to automatic correction (1950, *Bull. zool. Nomencl.* 4 : 68). Accordingly, a specific name such as *jonesii* Portlock, 1843, as published in the combination *Phillipsia jonesii*, became subject to automatic correction to the form "*jonesi*". In conformity with the foregoing decision the above name was so corrected at the time when Dr. Stubblefield's application was in preparation. This question was reviewed by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which, so far as the foregoing portion of Article 14 is concerned, substituted for the provision adopted in Paris a new provision under which in such a case "the terminations '-i' and '-ii' are permissible variants, the differences between them having no nomenclatorial significance" (1953, *Copenhagen Decisions zool. Nomencl.* : 54, Decision 91). Under the foregoing decision the form *jonesii* for the name cited above is as acceptable as the form *jonesi* which prior to the Copenhagen Congress was the sole permissible form for a specific name based on the modern patronymic of a man and formed in the genitive singular. Accordingly, when the Commission comes to deal with the foregoing name, the form to be adopted for it will need to be the original form *jonesii* and not the form *jonesi*, a form which was adopted in Dr. Stubblefield's application only for the purpose of complying with the now-repealed decision taken by the Paris (1948) Congress.

5. Position as regards a specific name based on the modern patronymic of a man and formed in the genitive singular in cases where the patronymic

concerned was incorporated into the name concerned in a wrongly spelled form : As will be seen from the passage of Article 14 of the *Règles*, as they existed prior to the Paris (1948) Congress quoted in paragraph 4 above, the central feature of the provision in question was that, where a specific name is based on the modern patronymic of a man and is formed in the genitive singular, that specific name is to take the form of a word consisting of the exact and complete name of the person concerned (“nom exact et complet de la personne”) to which a prescribed termination is to be attached. This part of Article 14 was re-drafted by the Paris (1948) Congress but the foregoing provision remained the central feature of the provision (1950, *Bull. zool. Nomencl.* 4 : 205—206). As explained in paragraph 4 above, the Paris Congress inserted a provision in the *Règles* prescribing that infringements of Article 14 were to be subject to automatic correction. The foregoing decisions were considered in relation to the specific name *kellii* Portlock, 1843, as published in the combination *Phillipsia kellii* (specific name of type species of the genus *Phillipsia* Portlock, 1843) at the time when Dr. Stubblefield's application was under consideration. The circumstances in which Portlock decided to use the word “*kellii*” as the specific name for his new species are clearly set out in the following passage in his original description of that species (*Rep. Geol. Londonderry* : 307) : “it [the species] will be named after the gentleman, Mr. Kelly, who supplied the beautiful specimen here figured. Mr. Kelly is employed in the preliminary Boundary Department of the Ordnance Survey, and has been a most zealous and effective assistant to Mr. Griffith, in his geological inquiries”. Thus, in the present instance we had a case where (1) a specific name consisting of a noun in the genitive singular was based upon the patronymic “Kelly” and (2) the specific name so formed was composed, apart from the termination, not of the word “*kelly*” but of the word “*kelli*”, this name appearing as “*kellii*” instead of as “*kellyi*”. Accordingly, at the time when Dr. Stubblefield's application was being prepared, the spelling “*kellii*” was corrected to “*kellyi*” in conformity with the decision of the Paris (1948) Congress. This part of Article 14 was further reviewed at Copenhagen in 1953 by the Fourteenth International Congress of Zoology which decided to retain as a mandatory provision the portion of the Paris decision clarifying the former third paragraph of Article 14 which prescribed that, where a specific name is based upon the modern patronymic of a man and is formed in the genitive singular, the name so formed is to consist of the complete and exact name of the personage concerned to which an appropriate termination is to be added (1953, *Copenhagen Decisions zool. Nomencl.* : 52, Decision 86(b)). At the same time the Copenhagen Congress enacted a further provision prescribing the automatic correction of infringements of the mandatory provisions of Article 14. Thus, in this matter the Copenhagen Congress confirmed and re-enacted the decision taken by the Paris (1948) Congress. Accordingly, the correction of the name *kellii* Portlock to *kellyi* made in Dr. Stubblefield's application in the present case remains a correct and obligatory

correction of the name in question. When the Commission comes to deal with this name in connection with Dr. Stubblefield's application, it will be necessary, under the General Directive issued by the International Congress of Zoology in regard to the placing on the appropriate *Official Index* of any name found to be objectively invalid, to place the spelling *kellii* Portlock, 1843, on the *Official Index of Rejected and Invalid Specific Names in Zoology* as an Invalid Original Spelling.

6. Direction : I hereby direct that, when Dr. Stubblefield's application is submitted to the Commission for decision by Postal Vote a note be inscribed on the Voting Paper drawing attention to the extent to which the orthography adopted for the specific names cited in Dr. Stubblefield's application on the one hand needs to be changed in order to comply with the decisions regarding Article 14 taken by the Copenhagen Congress or on the other hand remains correct.

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(54)44 : On 24th March 1954 a Voting Paper (V.P.(54)44) was issued to the Members of the Commission for the purpose of obtaining a decision on the application submitted by Dr. Stubblefield. In this Voting Paper the Members of the Commission were invited to vote either for, or against, the proposal " relating to the name *Cummingella* Reed, 1942, as specified in paragraph 10 of the application printed on pages 153—154 of volume 6 of the *Bulletin of Zoological Nomenclature* [i.e. in paragraph 10 of the application reproduced in the first paragraph of the present *Opinion*], subject to the amendment noted in paragraph 4 in the " Notes relating to the present Case " overleaf [i.e. the note on the orthography of the name *jonesii* Portlock, 1843, as published in the combination *Phillipsia jonesii*, which had been inscribed on the face of Voting Paper V.P.(54)44 in accordance with the direction given in the Minute executed by the Secretary on 18th February 1954 (paragraph 7 of the present *Opinion*)].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 24th June 1954.

10. Particulars of the Voting on Voting Paper V.P.(54)44 : The state of the voting on Voting Paper V.P.(54)44 at the close of the Prescribed Voting Period was as follows :—

(a) *Affirmative Votes had been given by the following nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Riley ; Holthuis ; Lemche ; Hering ; Vokes ; Bonnet ; Esaki ; Jaczewski ; Boschma ; Bradley (J.C.) ; do Amaral ; Sylvester-Bradley ; Hankó ; Pearson ; Stoll ; Hemming ; Cabrera ; Dymond ; Mertens ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

11. Declaration of Result of Vote : On 25th June 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)44, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present "Opinion" : On 2nd December 1954, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)44.

13. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Cummingella Reed, 1942, *Ann. Mag. nat. Hist.* (11) 9 : 653
 (*derbyensis*), *Entomolithus Onicites*, Martin, 1809, *Petrific. derbiensis*. : Signature Sheets X & Y, pl. 45, fig. 1, 2 ; pl. 45*, fig. 1
derbiensis, *Entomolithus*, Phillips, 1836, *Ill. Geol. Yorks.* 2 : 240
jonesii, *Phillipsia*, Portlock, 1843, *Rep. Geol. Londonderry* : 308, pl. xi, fig. 3
kellii, *Phillipsia*, Portlock, 1843, *Rep. Geol. Londonderry* : 307, pl. vi, fig. 1
mucronata, *Phillipsia*, M^cCoy, 1844, *Syn. Char. Carb. Limest. Foss. Ireland* : 162, pl. iv, fig. 8
Phillipsia Portlock, 1843, *Rep. Geol. Londonderry* : 305
Weberides Reed, 1942, *Ann. Mag. nat. Hist.* (11) 9 : 653

14. The following is the reference for the type selection for the genus *Phillipsia* Portlock, 1843, specified in Ruling (2)(b) given in the present *Opinion* :—Vogdes, 1890, *Bull. U.S. geol. Surv.* 63 : 83.

15. The following are the references for the selections of lectotypes for nominal species cited in the Ruling given in the present *Opinion* :—

- (1) For *Entomolithus Onicites (derbyensis)* Martin, 1809 :
 Stubblefield, 1952, *Bull. zool. Nomencl.* 6 : 151